

**AGENDA**  
**CITY OF NORTH SIOUX CITY, SOUTH DAKOTA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**JUNE 17, 2013**  
**7:00 P.M. – CITY HALL**

- 1. Call meeting to order at 7:00 P.M.**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda**
- 5. Approval of Minutes: June 3, 2013, Regular Meeting**
- 6. Mayor: Don Fuxa**
  - A. Proposed Boat Launch Fee/Public Boat Ramp**
  - B. Computer Server Leasing Program**
  - C. Amendment to Ordinance 13.12 (second reading)**
  - D. Survey Plat (River Valley Addition)**
  - E. Union County Non-Emergency Dispatch Fees**
  - F. Temporary Street Closures**
  - G. Retail Fireworks Permit Applications**
  - H. SDRS Roth 457 Program**
- 7. Community and Council Input**
- 8. Executive session\***
- 9. Approval of Fines**
- 10. Approval of Bills**
- 11. Adjournment**

**\*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).**

**UNAPPROVED  
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA  
REGULAR MEETING OF THE CITY COUNCIL  
JUNE 17, 2013  
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Mayor Fuxa. Roll call: Parks, Christiansen, Meyer, Headid, Rogers and Verdoorn were present. Leitrue and Beavers were absent.

Mayor Fuxa led the Pledge of Allegiance.

Motion by Headid, second by Parks to approve the agenda as presented. Unanimous.

Motion by Parks, second by Christiansen to approve the June 3, 2013, regular Council meeting minutes as presented. Unanimous.

Discussion was held on the McCook Lake Recreation Area Association's proposal to initiate a boat launch fee at the public boat ramp located near Lakeshore Drive. Motion by Christiansen to initiate a boat launch fee at the public boat ramp. Motion died for lack of a second. Motion by Headid, second by Christiansen to initiate a boat launch fee at the public boat ramp contingent upon Lakeshore Park being replaced by additional boat trailer parking. Ayes: Parks, Christiansen, Headid and Rogers. Nays: Meyer and Verdoorn. Motion failed. Tim Jacobs of the North Sioux City Parks and Recreation Board (Parks Board) noted that the Parks Board is in support of closing Lakeshore Park. Motion by Parks, second by Headid to table the issue. Unanimous.

Discussion was held on options for updating the City's computer servers. Motion by Christiansen, second by Meyer for the City to purchase the equipment directly from the vendors and have Electric Innovations install it contingent upon receipt of a scope of work. Unanimous.

Motion by Headid, second by Christiansen to approve the second reading of an amendment to Ordinance #13.12. Unanimous. The amendment will return multi-family properties to a Class II Light Commercial water rate as opposed to a Class III Industrial Users water rate.

**AN ORDINANCE AMENDING WASTEWATER TREATMENT USER CHARGES  
ORDINANCE SECTION 13.12.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY,  
SOUTH DAKOTA:**

Chapter 13.12.020 of the North Sioux City Municipal Code is amended to read as follows:

**13.12.020 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius.

"Commercial/industrial user" means any contributor to the city's wastewater collection works whose lot, parcel or real estate, or building is used for purposes other than a single-family dwelling. For purposes of the Chapter 13.12, this definition and classification shall include multi-family dwellings.

"Flow unit" shall mean a volume of liquid equal in quantity to one thousand (1,000) gallons.

"Industrial user's" is a commercial user with a waste discharge as defined for a Class IV user.

"Normal domestic wastewater" shall mean wastewater that has a SOD concentration of not more than two hundred fifty (250) parts per million and a suspended solids concentration of not more than three hundred (300) parts per million and a oil and grease content of not more than one hundred (100) parts per million.

"Oil and grease" means oil and grease as determined by the standard laboratory procedures for the Soxhlet Extraction method as defined in the current addition of Standard Methods.

"Operation and maintenance" means all expenditures during the useful life of the wastewater collection works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage collection works to achieve the capacity and performance for which such works were designed and constructed.

Operation and maintenance charges shall be included in the sewer user charge and shall be levied in a proportional and adequate manner.

"Replacement charges" means expenditures for the obtaining and installing of equipment, accessories, or appurtenances that are necessary during the useful life of the wastewater collection works to maintain the capacity and performance for which such works were designed and constructed. Replacement charges shall be included in the sewer user charge and shall be levied in a proportional and adequate manner.

"Residential user" means any contributor to the city's wastewater collection works whose lot, parcel of real estate, or building is used for single-family dwelling purposes only.

"Sewer extension" means the total project costs for the proposed extensions to the sewer system.

"Sewer user charge" refers to any and all rates, charges, fees or rentals levied against and payable by sewer service user and major industrial users.

"Shall" is mandatory; "may" is permissive.

"SS" (denoting suspended solids) means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Method for the Examination of Water and Wastewater and referred to as nonfilterable residue.

"Treatment charge" means all charges made to the city of North Sioux City by the city of Sioux City, for treatment of the wastewater collected by such collection works. Treatment charges shall be included in the sewer user charge.

"Useful life" means the estimated period during which a wastewater collection works will be operated.

"Wastewater collection works" means any devices and systems for the collection or carrying of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions, and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the wastewater collection process.

"Water meter" means a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (Ord. 388 Art. 2, 2002: prior code § 8.0502)

Chapter 13.12.040 of the North Sioux City Municipal Code is amended to read as follows:

### **13.12.040 Class of user charges.**

The following classes of users and charges to those users are established:

**1. Class I: Residential users whose lot, parcel of real estate, or building is used for single-family dwelling purposes only.**

Gallons Per Month effective January 2010	Charge Per Month
0-3000 (Base Rate)	\$19.50
Over 3000	\$19.50 plus \$3.15 per thousand gallons in excess of 3000 gallons

Gallons Per Month effective January 2011	Charge Per Month
0-3000 (Base Rate)	\$21.00
Over 3000	\$21.00 plus \$3.25 per thousand gallons in excess of 3000 gallons

Gallons Per Month effective January 2012	Charge Per Month
0-3000 (Base Rate)	\$23.00
Over 3000	\$23.00 plus \$3.35 per thousand gallons in excess of 3000 gallons

Nineteen Dollars and Fifty Cents (\$19.50) per month plus Three Dollars and Fifteen cents (\$3.15) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement and debt service calendar year 2010.

Twenty-one Dollars (\$21.00) per month plus Three Dollars and Twenty-five Cents (\$3.25) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement and debt service calendar year 2011.

Twenty-three Dollars (\$23.00) per month plus Three Dollars and Thirty-five Cents (\$3.35) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement and debt service calendar year 2012.

The rates above shall be charged to and paid by all residential users, however, upon completing an application at City Hall, residents who are age sixty-five (65) or older shall receive a ten percent (10%) discount from the above Base Rates.

(Amended Effective April 13, 2010)

**2. Class II: Light Commercial/Industrial Users: Nonresidential users which contribute between zero (0) gpd and four hundred (400) gpd of less than or equal to normal domestic strength wastewater. For clarification, Class II shall include all multi-family dwelling units.**

Twenty-four Dollars and Fifty Cents (\$24.50) per month plus Three Dollars and Fifteen Cents (\$3.15) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement of debt service calendar year 2010.

Twenty-six Dollars (\$26.00) per month plus Three Dollars and Twenty-five Cents (\$3.25) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement of debt service calendar year 2011.

Twenty-eight Dollars (\$28.00) per month plus Three Dollars and Thirty-five Cents (\$3.35) per thousand (1,000) gallons of metered waste in excess of three thousand (3,000) gallons per month for operation and maintenance, including replacement of debt service calendar year 2012.

**3. Class III: Industrial Users: Nonresidential users which contribute more than four hundred (400) gpd of less than or equal to normal domestic strength wastewater, except for multi-family dwellings, which will be classified as Class II: Light Commercial/Industrial Users.**

Thirty Six Dollars and Seventy-five Cents (\$36.75) per month plus Four Dollars and Seventy-three Cents (\$4.73) per thousand (1,000) gallons based on actual metered sales or estimated flows in accordance with availability for calendar year 2010.

Thirty Nine Dollars (\$39.00) per month plus Four Dollars and Eighty-eight Cents (\$4.88) per thousand (1,000) gallons based on actual metered sales or estimated flows in accordance with availability for calendar year 2011.

Forty Two Dollars (\$42.00) per month plus Five Dollars and Three Cents (\$5.03) per thousand (1,000) gallons based on actual metered sales or estimated flows in accordance with availability for calendar year 2012.

(Ord. 388 Art. 4, 2002: prior code § 8.0504)(Amended January 2004)

(Amended – January 2010)

**EFFECTIVE DATE.** The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Dated this 17 day of June, 2013.

---

Don Fuxa, Mayor

ATTEST:

---

Donna Houck, Finance Officer

First Reading: June 3, 2013

Second Reading: June 17, 2013

Published: June 27, 2013

Motion by Parks, second by Headid to approve the following survey plat. Unanimous.

Plat of Lots 15 thru 24 of Tract 3 of River Valley Addition in North Sioux City, Union County, South Dakota.

Discussion was held on a recent decision by the Union County Commissioners to charge cities within Union County for non-emergency dispatch calls in order to help offset costs at the Union County dispatch center.

Motion by Christiansen, second by Parks to send correspondence to Union County outlining the following positions. Unanimous.

- 1.) The City of North Sioux City is willing to pay if the cost apportionment is fairly distributed among all Union County residents. The City does not feel the current proposal accomplishes this goal.
- 2.) If the aforementioned request is not approved by the Union County Commission, the City of North Sioux City requests the County opt out of the State mandate to add two additional dispatchers.
- 3.) If neither of the two previous options are approved by the County Commissioners, The City of North Sioux City believes this matter should be brought to a county wide vote by either referendum or initiative.

Motion by Headid, second by Meyer to approve the following temporary street closures for neighborhood events with the understanding the residents are responsible for clean-up, returning City barricades and signing a liability waiver. Unanimous.

205 thru 213 Lloyd Avenue – July 4, 2013 (Noon to midnight)

Victor and Main to Victor and Rose – July 4, 2013 (10:00 a.m. to 11:00 p.m.)

Lots 12, 13 and 14 of 200 Block of Lloyd Avenue – July 5, 2013 (4:00 p.m. to midnight)

Motion by Meyer, second by Rogers to approve the following applications for retail fireworks permits. Unanimous.

Big Sioux Fireworks  
100 Military Road  
North Sioux City, SD 57049

American Fireworks  
198 South Derby Lane  
North Sioux City, SD 57049

Discussion was held on the new South Dakota Retirement System (SDRS) Roth 457 program for eligible City employees. Motion by Headid, second by Rogers to participate in the SDRS Roth 457 program as provided for under SDCL 3-13-57. Unanimous. It was noted that participation in the program will not result in any direct costs to the City.

During community/council input: 1.) Rogers commended Human Resources Director Menken and Police Chief Frye for their timely response to a complaint; 2.) Christiansen inquired about fire hydrant maintenance at New Horizons and extending the hours of the public dumpsters located at the City maintenance building; and 3.) Charlie Keuck of 675 North Highway 105 inquired about the status of the Highway 105 repaving project.

Motion by Headid, second by Rogers to enter Executive Session at 8:20 p.m. in accordance with SDCL 1-25-2 (section 4) to discuss contractual matters. Unanimous.

Regular session resumed at 8:27 p.m.

Fines in the amount of \$367.25 were approved with a motion from Parks and a second by Christiansen. Unanimous.

Motion by Headid, second by Christiansen for the approval of bills. Unanimous.

CLEVELAND, BENJAMIN	20.21	CUSTOMER UTILITY DEPOSIT REFUND
DOYLE, MIKE	33.01	CUSTOMER UTILITY DEPOSIT REFUND
HOFFMAN, LYNETTE	13.10	CUSTOMER UTILITY DEPOSIT REFUND
LUKEN, JON	27.25	CUSTOMER UTILITY DEPOSIT REFUND
EDWARD SOLOMON	34.80	CUSTOMER UTILITY DEPOSIT REFUND
SD DEPT OF REV &	676.15	MAY 2013 SALES TAX
BARNES & NOBLE INC	211.08	BOOKS
C. W. SUTER SERVICES INC	704.93	BAD HW VALVE LEAKING/REPLACE DAMPER
CHERYL CARTER	427.47	REIMBURSEMENT-REC PROGRAM SUPPLIES
CERTIFIED TESTING SERVICES, INC	170.00	MILLER LIFTSTATION-INSTALL METER
CITY OF SIOUX CITY	18,459.89	MAY 2013 SEWER CHARGES USAGE 8803
CLAUSSEN NURSERY	3,104.70	PURCHASE & INSTALL 30 TREES
CRYSTAL CLEAN, LLC	824.00	MAY 2013 CLEAN BLDG
CULLIGAN WATER CONDITIONING	34.00	BOTTLED WATER
DAKOTA DUNES/NSC TIMES	267.80	MAY PUBLISHING
DAVIS, SUSAN	15.00	BOOK
ELECTRIC PUMP	5,534.24	STREETEER LIFTSTATION - VALVE REPLACEMENT
WRIGHT EXPRESS FLEET SVCS	3,830.92	MAY 2013 FUEL CHARGES
GILL HAULING INC	8,662.40	MAY 2013 SOLID WASTE REMOVAL
HAWKINS, INC	4,322.40	WATER CHEMICALS/POTASSIUM
CHRIS HOVDEN	220.69	REIMBURSEMENT SUMMER REC PROGRAM
ICON AG & TURF	73.82	MOWER PARTS
JACK KARPEN TOWING	75.00	TOWING DODGE UTILITY BOOM TO WOODHOUSE
KEVIN O'DELL ELECTRIC, INC.	568.01	FURNISH HEAT SHRINK, INSTALL SHRINK, INSTALL
KMEG-TV	800.00	APR-MAY 2013 ADVERTISING
KPTH	1,090.00	APR-MAY 2013 ADVERTISING
KTIV TELEVISION INC	460.00	5/06-5/10 ADVERTISING
LEADER-COURIER	242.77	MAY PUBLISHING
TEAMSTERS LOCAL NO. 120	279.00	PD EMPLOYEE PAID LEGAL SVCS
MATTHYS, DEB	235.88	REIMBURSEMENT-MILEAGE LIBRARY INSTITUTE
MCCOOK LAKE ASSOCIATION	250.00	2013 FIREWORKS DONATION
MCINTOSH, DEREK	25.96	REIMBURSEMENT-MEALS / TRAINING
MEDICAL IMAGING PHYSICIANS	83.00	MEDICAL CHARGES
MERCY BUSINESS HEALTH SVCS	48.33	MAY 2013 EAP
MIDAMERICAN ENERGY	12,209.55	MAY 2013 UTILITY CHARGES
MIDAMERICAN ENERGY	671.27	SR CENTER UTILITY CHARGES 2 MTHS
MJ MINOR UTILITY CONTRACTOR	550.00	LAKESHORE & SUNCOAST LIFTSTATION
NEUMANN MONSON WICTOR	46,623.45	NEW LIBRARY-FEES/ENGINEERING E
NSC ECONOMIC DEVELOPMENT CORP	21,619.25	3QTR 2013 PAYMENT
IOWA OFFICE SUPPLY, INC	39.47	AP FILE JACKETS
PETAL PUSHER	59.00	PLANT-HOUCK
JAMES POTRATZ	2,150.00	MOWING DIKE
RUDOLPH'S SHOE MART	195.49	CLOTHING ALLOWANCE
SD ONE CALL	49.95	MAY 2013 LOCATE FEES (45)
SD DEPT OF REVENUE	237.00	4/16-5/14/12 BODS/SOLIDS
SDRS	7,745.28	MAY 2013 CONTRIBUTION
SIGNS BY TOMORROW	778.00	PRINTING, LETTERING, GRAPHICS
SIOUX CITY JOURNAL COMM	405.00	2013 VISITOR GUIDE / SHOPPERS
SIOUXLAND CONCRETE CO.	123.00	MANHOLE RISER (3)
SIOUXLAND HUMANE SOCIETY	72.00	MAY 2013 SERVICES
SOUTHDAL NURSERY & GARDEN	4,960.00	INSTALL CITY'S FLOWER POTS WITH PLANTS
STREICHER'S, INC.	2,297.99	PURCHASE SHIELD WITH DONATED FUNDS
TOWN & COUNTRY LAWN SERVICE, I	1,472.75	MAY 2013 LAWN TREATMENT
ULTRA-LITE PERFORMANCE, INC.	3,974.53	'08 IMPALA REPAIR DUE TO ACCIDENT/CLAIMS ASSOC
UNION COUNTY AUDITOR	30.00	RELEASE-PROPERTY
US POSTOFFICE	96.00	ANNUAL MAIL BOX RENEWAL
WAUHOB'S TRUCK STOP SIGN SHOP	45.00	VINYL DECALS
WESTERN OFFICE TECHNOLOGIES	132.28	SUPPLIES
WOODHOUSE AUTO FAMILY OF SC	178.21	DODGE REPAIRED LIFT PUMP WIRING

Adjournment was at 8:28 p.m., motion by Christiansen and second by Meyer. Unanimous.

## CITY OF NORTH SIOUX CITY

---

**Don Fuxa, Mayor**

**ATTEST:**

---

**Donna Houck, Finance Officer**

**ATTEST:**

---

**Kory Menken, Human Resources Director**